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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,726	02/19/2004	Naohisa Motomura	2004_0237A	3290
513 7590 05/21/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER				
NGO, NGUYEN HOANG				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/780,726

**Applicant(s)**

MOTOMURA, NAOHISA

**Examiner**

NGUYEN NGO

**Art Unit**

2616

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/28/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-12, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

This communication is in response to the amendment of 2/28/2008. All changes made to the Specification, and Claims have been entered. Accordingly, Claims 10-16 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 10, 11, 12, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US 6763522), hereinafter referred to as Kondo.

**Regarding claim 10, 15, 16**, Kondo discloses a digital broadcast receiving apparatus (DTV apparatus, col2 lines 15-26) for receiving a transport stream into which a plurality of output information tables (PSIT tables, col8 lines 45-59) and an update information

table (MGT, col8 lines 59-66) are respectively and repeatedly multiplexed and into which video data and/or audio data are multiplexed and outputting the video data and/or the audio data (data streams, abstract),

wherein each output information table is contained in a transport stream packet in a section format and includes (i) a first version number (tables include version number values, col3 line63-col4 line 5), (ii) a unique ID including a packet identifier and a table identifier (each table includes a packet identifier, col2 lines 50-54), and (iii) information for extracting and outputting the video data and/or the audio data (the transport de-multiplexer extracts the elementary streams from the transport stream packet to make the PSI elementary stream data available to the digital signal processor circuit, col2 lines 59-65),

wherein the update information table includes (MGT provides general information about all the other tables in the PSI protocol, col8 lines 59-66 and Table 1 seen on col9 lines 40-56)(i) a plurality of unique IDs, each of which identifies a respective output information table (PIDs are used to point to associated tables that are labeled with those PIDS, col8 lines 65-67), (ii) a plurality of first version numbers, each of which indicates an update version of a respective output information table (version numbers of tables, col8 lines 59-65),

the digital broadcast receiving apparatus comprising:

a first extracting unit including corresponding packet and section filters, and operable to extract the output information tables from the transport stream according to

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the corresponding packet and section filters (transport de-multiplexer which extracts the PSI content, col2 lines 60-65);

a storing unit operable to store the output information tables extracted by the first extracting unit (computer memory for storing PSI table and parameters, col2 lines 64-67);

and

a controlling unit operable to control (i) the first extracting unit to extract an updated version of an output information table and (ii) the storing unit to update the output information tables stored therein according to the extracted updated version of the output information table (digital signal processor, col2 lines 54-60 and col3 lines 5-14), wherein the controlling unit comprises:

an information list generating subunit operable to generate an information list containing information that is included in each stored output information table and corresponds to information included in the extracted update information table (memory storing a list of version number values corresponding to a table, col4 lines 6-15);

a comparing subunit operable to (i) compare, with respect to each stored output information table, a corresponding first version number included in the information list with a corresponding first version number of the respective output information table included in the extracted update information table, and (ii) identify, based on the comparison, a stored output information table having a corresponding first version number that has been updated in the extracted update information table (col4 lines 6-20 and col10 lines 1-13)); and

a filter condition setting subunit operable to set the packet identifier and the table identifier, included in the unique ID of the output information table identified by the comparing subunit, as the corresponding packet and section filters, respectively, to allow the first extraction unit to extract, from the transport stream, an updated version of the output information table identified by the comparing subunit (transport de-multiplexer extracts table dependent on PID and version number, col2 lines 55-66 and col3 lines 62-col4 line 5).

Kondo however fails to specifically disclose a second version number indicating a version of the update information table, and wherein the second version number of the update information table of the transport stream is updated when a change occurs in any of the unique IDs and the first version numbers included in the update information table, and a second extracting unit operable to extract the update information table from the transport stream when the second version number has been updated. Kondo however discloses that the MGT is continuously monitored by the system to prepare and anticipate any changes (col10 lines 1-13), and that the MGT increments the list of currently valid PIDs as information become obsolete (col9 lines 20-30). It is obviously well known of the concept of version numbers to represent the status of changes in a table. Thus it would have been obvious to also incorporate a version number (second version number) for the MGT table in order to efficiently determine that there is a changed in one of the PSI data tables listed in the MGT table so that information from

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the MGT table may be correctly extracted to compare to data previously stored in memory.

**Regarding claim 11**, Kondo discloses the digital broadcast receiving apparatus of Claim 10, wherein the unique IDs included in the update information table are the packet identifiers and the table identifiers (col3 lines 62-67 and col8 lines 60-67 and col9 lines 40-55).

**Regarding claim 12**, Kondo discloses the digital broadcast receiving apparatus of Claim 10, wherein:

extraction conditions of the corresponding packet and section filters are set by the filter condition setting subunit; and

when the first extracting unit extracts an updated version of an output information table, and the storing unit contains an older version of the output information table, the first extracting unit overwrites the older version of the output information table with the extracted updated version of the output information table (replacing a table, col11 lines 1-10).

***Allowable Subject Matter***

4. Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Sugai et al. (US 20030208760), Electronic Program Guide Providing Device.
7. Kessler (US 6741288), Method And Apparatus For Maintaining A Digital Television Receiver Database.
8. Patry et al. (US 20030041335), Method For Downloading Data Preceded By Information Signals.
9. Metz et al. (US 5666293), Downloading Operating System Software Through A Broadcast Channel.
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN NGO whose telephone number is (571)272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571)272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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